

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-7079

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVID AMEZQUITA-FRANCO,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Henry E. Hudson, District Judge. (3:12-cr-00052-HEH-DJN-1; 3:16-cv-00526-HEH)

Submitted: January 30, 2018

Decided: February 1, 2018

Before MOTZ and KEENAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

David Amezquita-Franco, Appellant Pro Se. Stephen David Schiller, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Amezquita-Franco seeks to appeal the district court's August 2016 order dismissing as successive and unauthorized his 28 U.S.C. § 2255 (2012) motion. We dismiss the appeal for lack of jurisdiction. Amezquita-Franco filed his notice of appeal well beyond the 60-day appeal period, Fed. R. App. P. 4(a)(1)(B), and the appeal itself is duplicative of a prior appeal of the same order, *United States v. Amezquita-Franco*, 675 F. App'x 335 (4th Cir. 2017) (No. 16-7111) (denying certificate of appealability and dismissing appeal). Therefore, we dismiss the appeal as untimely and duplicative. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED